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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

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8 FELIX MIKHALSKY,

9 Plaintiff,

10 vs.

11 LAS VEGAS METROPOLITAN POLICE  
12 DEPARTMENT;  
13 OFFICER CODY HASEN #17078;  
14 DOES I-X,

Defendants.

Case No. 2:21-cv-00911-GMN-VCF

**REPORT AND RECOMMENDATION FOR  
DISMISSAL**

15 The Court previously granted pro se plaintiff Felix Mikhalsky's application to proceed *in forma*  
16 *pauperis* (ECF No. 1) and dismissed his complaint without prejudice with leave to amend. (ECF No. 4).  
17 The Court dismissed his case (a lawsuit regarding a police officer's commands that he alleged violated  
18 the First Amendment, the Fourteenth Amendment, the Civil Rights Act of 1964, and the Omnibus Crime  
19 Control and Safe Streets Act of 1968) because he failed to state a claim. *Id.* The Court gave plaintiff  
20 until Monday, August 2, 2021, to file an amended complaint and warned that, "[f]ailure to timely file an  
21 amended complaint that addresses the deficiencies noted in this Order may result in a recommendation  
22 that the dismissed claims be dismissed with prejudice." *Id.*

23  
24 Plaintiff has not filed an amended complaint or an objection to the Court's order. For the reasons  
25 discussed in the Court's Order (ECF No. 4), plaintiff's case should be dismissed.

ACCORDINGLY,


1 IT IS RECOMMENDED that this action be DISMISSED and Judgment entered

2 **NOTICE**

3 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and  
4 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk  
5 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal  
6 may determine that an appeal has been waived due to the failure to file objections within the specified  
7 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file  
8 objections within the specified time and (2) failure to properly address and brief the objectionable issues  
9 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the  
10 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*  
11 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file  
12 written notification with the court of any change of address. The notification must include proof of  
13 service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by  
14 counsel. Failure to comply with this rule may result in dismissal of the action.

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16 IT IS SO ORDERED.

17 DATED this 3rd day of August 2021.

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19 CAM FERENBACH  
20 UNITED STATES MAGISTRATE JUDGE  
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